IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13280 of 2004

Between:

G.V.K.Rao, E-358431, S/o Satyanarayana,
Conductor, Machilipatnam Depot,

Machilipatnam, R/o Machilipatnam, Krishna District

..... PETITIONER

AND

1 The A.P.S.R.T.C. rep. by its Managing Director, Musheerabad, Hyderabad
2 The Regional Manager, APSRTC, Krishna Region at Vijayawada
3 The Depot Manager, APSRTC, Machilipatnam Depot, Machilipatnam, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in transferring the petitioners to a far of place beyond the level of seniority from Machilipatnam Depot, Vide Proceedings No.P1/813(1)/2004.MTM, Office of the Depot Manager, Machilipatnam, Dt.7-7-2004 as illegal, contrary to the Divisional Seniority, contrary to the regulations of the Corporation and as such liable to be set aside in the interest of justice.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VENKATESWARLU, SC for APSRTC

The Court made the following:

ORDER:

The petitioner was appointed as a Conductor in the respondent-Corporation in the year 1998 in Krishna Region. The case of the petitioner is that when he was working in the Machilipatnam Depot, the 3rd respondent-corporation by proceedings No.P1/813(1)/2004.MTM, dated 07-07-2004 transferred him to Governorpet-II Depot without any reason. It is stated that earlier the petitioner was transferred to West Godavari Region vide proceedings dated 16-09-2003. Challenging the impugned proceedings dated 16-09-2003 he filed W.P.No.21915 of 2003 before this Court. In the said writ petition this Court granted interim order dated 17-10-2003, in W.P.M.P.No.27357 of 2003, suspending the impugned proceedings until further orders. The grievance of the petitioner is that while pending the interim order dated 17-10-2003, passed in W.P.M.P.No.27357 of 2003, the 3rd respondent again issued impugned proceedings dated 07-07-2004, by transferring him from Machilipatnam Depot to Governorpet-II Depot which is illegal and arbitrary.

Since the petitioner is transferred from Machilipatnam depot to Governorpet-II depot which falls within the same region, no illegality can be attributed to the impugned order dated 07-07-2004, passed by the 3rd respondent-Corporation. Therefore, the writ petition cannot be maintained.

In the light of the same, the petitioner is at liberty either to approach the concerned authorities explaining the circumstances or move this Court by way of filing a miscellaneous petition in the pending W.P.No. 21915 of 2003.

The Writ Petition is accordingly disposed of. No costs.

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12-08-2004

es/rar

To

1 The Managing Director, A.P.S.R.T.C. Musheerabad, Hyderabad
2 The Regional Manager, APSRTC, Krishna Region at Vijayawada
3 The Depot Manager, APSRTC, Machilipatnam Depot,

Machilipatnam, Krishna District.

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